

Fill in this information to identify your case:

United States Bankruptcy Court for the:

EASTERN DISTRICT OF MISSOURI

Case number (if known) Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

06/22

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name DeliverPRO LLC

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 35-2519329

4. Debtor's address Principal place of business Mailing address, if different from principal place of business

4280 North Service Road
Saint Peters, MO 63376

Number, Street, City, State & ZIP Code

Saint Charles

County

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL)

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify:

Debtor **DeliverPRO LLC**
Name

Case number (if known)

7. Describe debtor's business**A. Check one:**

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

8. Under which chapter of the Bankruptcy Code is the debtor filing?**Check one:**

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. **Check all that apply:**

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☒ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11.** If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☒ No.
- ☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

Debtor **DeliverPRO LLC**
Name

Case number (if known)

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?
- ☒ No
☐ Yes.

List all cases. If more than 1,
attach a separate list

Debtor _____ Relationship _____
District _____ When _____ Case number, if known _____

11. Why is the case filed in this district?
- Check all that apply:
- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?
- ☒ No
☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.
- Why does the property need immediate attention?** (Check all that apply.)
- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
What is the hazard? _____
- ☐ It needs to be physically secured or protected from the weather.
- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- ☐ Other _____
- Where is the property?** _____
Number, Street, City, State & ZIP Code
- Is the property insured?**
- ☐ No
- ☐ Yes. Insurance agency _____
Contact name _____
Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds
- Check one:
- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors
- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000 | <input type="checkbox"/> 25,001-50,000 |
| <input type="checkbox"/> 50-99 | <input type="checkbox"/> 5001-10,000 | <input type="checkbox"/> 50,001-100,000 |
| <input type="checkbox"/> 100-199 | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999 | | |

15. Estimated Assets
- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> \$0 - \$50,000 | <input type="checkbox"/> \$1,000,001 - \$10 million | <input type="checkbox"/> \$500,000,001 - \$1 billion |
| <input type="checkbox"/> \$50,001 - \$100,000 | <input type="checkbox"/> \$10,000,001 - \$50 million | <input type="checkbox"/> \$1,000,000,001 - \$10 billion |
| <input type="checkbox"/> \$100,001 - \$500,000 | <input type="checkbox"/> \$50,000,001 - \$100 million | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million | <input type="checkbox"/> \$100,000,001 - \$500 million | <input type="checkbox"/> More than \$50 billion |

16. Estimated liabilities
- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> \$0 - \$50,000 | <input type="checkbox"/> \$1,000,001 - \$10 million | <input type="checkbox"/> \$500,000,001 - \$1 billion |
|--|---|--|

Debtor

DeliverPRO LLC

Case number (if known)

Name

☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion

Debtor **DeliverPRO LLC**
Name

Case number (if known)

Request for Relief, Declaration, and Signatures**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **October 23, 2023**
MM / DD / YYYY**X /s/ Robert McCurren**

Signature of authorized representative of debtor

Robert McCurren

Printed name

Title **President****18. Signature of attorney****X /s/ Thomas H. Riske**

Signature of attorney for debtor

Date **October 23, 2023**

MM / DD / YYYY

Thomas H. Riske 61838

Printed name

Carmody MacDonald P.C.

Firm name

120 S. Central Ave., Suite 1800**Saint Louis, MO 63105**

Number, Street, City, State & ZIP Code

Contact phone **314-854-8600**Email address **thr@carmodymacdonald.com****61838 MO**

Bar number and State

**AUTHORIZING RESOLUTIONS OF
DeliverPro, LLC**

The undersigned, being all of the current members of DeliverPRO LLC, a Missouri limited liability company (the “*Company*”), hereby consents to the adoption of and adopt the following resolutions without a formal meeting:

WHEREAS, the Company’s Member has considered the business and financial condition of the Company, on the date hereof, including the assets and liabilities of the Company, and

WHEREAS, the Company’s Member has reviewed, considered and received the recommendations of the senior management of the Company and the Company’s legal, financial and other advisors as to the relative risks and benefits of pursuing a bankruptcy proceeding under chapter 11 of the United States Bankruptcy Code (“*Chapter 11*”); and

WHEREAS, the Company may not have sufficient funds in the near future to fund its usual and customary operations, including obligations for payroll, payment of vendors, payment of third-party debt, payment of rental obligations, and the payment of other operational obligations; and

WHEREAS, a majority of the Company’s Board of Managers believe that it is in the Company’s best interest to seek protection under Chapter 11 (the “*Bankruptcy*”); and

WHEREAS, a majority of the Company’s Board of Managers believe that it is in the Company’s best interest to seek protection under Chapter 11 (reorganization) of the U.S. Bankruptcy Code (the “*Bankruptcy*”) within sixty (60) days or less of this resolution.

THEREFORE, BE IT RESOLVED that, in the judgment of a majority of the Company’s Board of Managers, it is desirable and in the best interests of the Company and its Member, as well as, the best interest of the Company’s creditors, employees and other interested parties that a petition be filed by the Company seeking relief under the provisions of Chapter 11 within sixty (60) days or less of this resolution; and

BE IT FURTHER RESOLVED that Robert McCurren, acting alone or together, in the name of and on behalf of the Company, are hereby authorized, empowered, and directed, in the name and on behalf of the Company, to execute and verify petitions under Chapter 11 of the Bankruptcy Code and to cause the same to be filed in the United States Bankruptcy Court for the Eastern District of Missouri at such time as said individual executing same shall determine; and

BE IT FURTHER RESOLVED that Robert McCurren, acting alone or together, in the name of and on behalf of the Company, are hereby authorized and directed to employ the law firm of Carmody MacDonald P.C., as general bankruptcy counsel to the Company and direct said law firm to take any and all actions to advance Company’s rights in connection with the Bankruptcy, and, in connection therewith, such individuals are hereby authorized and directed to pay appropriate retainers and cause to be filed appropriate applications to retain the services of Carmody MacDonald P.C. as general bankruptcy counsel to the Company; and

BE IT FURTHER RESOLVED that Robert McCurren, acting alone or together, in the name of and on behalf of the Company, are hereby authorized, empowered and directed to execute and file
{25730/00000/3896868.DOCX.}

all petitions, schedules, motions, lists, applications, pleadings, and other papers, and, in that connection, to employ and retain all assistance by legal counsel, accountants, financial advisors, and other professionals, and to take and perform any and all further acts and deeds as may be required, or as Robert McCurren may, upon advice of counsel, deem necessary, advisable, or proper, in connection with the Bankruptcy; and

BE IT FURTHER RESOLVED that Robert McCurren, acting alone or together, in the name of and on behalf of the Company, are hereby authorized, empowered, and directed, in the name and on behalf of the Company, to execute and deliver appropriate agreements for the use of cash collateral and any necessary post-petition financing in connection with said Bankruptcy, including the granting of liens to such lenders to such agreements, and to take such additional action and to execute and deliver each agreement, instrument or document proposed to be executed and delivered by or on behalf of the Company pursuant thereto or in connection therewith, all with such changes therein and additions thereto as Robert McCurren may approve, such approval to be conclusively evidenced by the taking of such action or by the execution and delivery thereof; and

BE IT FURTHER RESOLVED that Robert McCurren, acting alone or together, are hereby authorized and directed to, from time to time, in the name of and on behalf of the Company, do all such acts and things, to execute and deliver all such documents, and to incur and pay all such fees and expenses as may be necessary or desirable to carry out, implement and comply with the intent and purpose of these resolutions, and all such acts and doings of Robert McCurren are hereby, in all respects, adopted, ratified, confirmed, and approved as the valid and existing acts of the Company; and

BE IT FURTHER RESOLVED that the officers and Managers of the Company are authorized to carry on the business of the Company and otherwise to manage and conduct the business affairs of the Company in the ordinary course of that business but to take no extraordinary actions without the consent of the majority of the Board of Managers of the Company; and

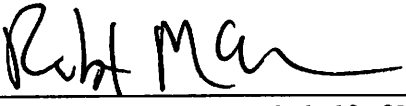
BE IT FURTHER RESOLVED that this consent may be executed in one or more counterparts and when each Manager has executed at least one counterpart, the foregoing resolutions shall be deemed accepted, approved, ratified and affirmed as of the date of any such action so taken by the Company. A copy of this consent signed and transmitted by facsimile machine or electronic mail is to be treated as an original document. The signature of any party thereon, for purposes hereof, is to be considered as an original signature, and the document transmitted is to be considered to have the same validity and binding effect as an original signature on an original document. No party may raise the use of a facsimile machine or e-mail or the fact that any signature was transmitted through the use of a facsimile machine or by e-mail as a defense to the validity of this unanimous consent executed in compliance with this provision; and

BE IT FURTHER RESOLVED that this consent shall be filed in the official minute book of the Company.

[signature page follows]

IN WITNESS WHEREOF, the undersigned have executed these Resolutions as of the 23rd day of October, 2023.

MEMBERS OF DELIVERPRO, LLC

By: 
Robert McCurren on behalf of Mattress Direct, Inc., *Member*

Fill in this information to identify the case:

Debtor name **DeliverPRO LLC**
 United States Bankruptcy Court for the: **EASTERN DISTRICT OF MISSOURI**
 Case number (if known): _____

☐ Check if this is an
 amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
American Express P.O. Box 650448 Dallas, TX 75265						\$14,169.29
WEX Exxon Mobil 1 Hancock Street Portland, ME 04101		Credit Card				\$3,006.04

**United States Bankruptcy Court
Eastern District of Missouri**

In re **DeliverPRO LLC**

Debtor(s)

Case No.

Chapter

11

VERIFICATION OF CREDITOR MATRIX

The above named debtor(s) hereby certifies/certify under penalty of perjury that the attached list containing the names and addresses of my creditors (Matrix), consisting of 1 page(s) and is true, correct and complete.

/s/ Robert McCurren

Robert McCurren/President

Signer/Title

Dated: **October 23, 2023**

American Express
P.O. Box 650448
Dallas, TX 75265

Internal Revenue Service
Centralized Insolvency Operation
P.O. Box 7346
Philadelphia, PA 19101-7346

Missouri Department of Revenue
Attn: Bankruptcy Unit
P.O. Box 475
Jefferson City, MO 65105

WEX Exxon Mobil
1 Hancock Street
Portland, ME 04101

**United States Bankruptcy Court
Eastern District of Missouri**

In re **DeliverPRO LLC**

Debtor(s)

Case No.

Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **DeliverPRO LLC** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

Robert P. McCurren
4384 Austin Pass Dr.
Saint Charles, MO 63304

☐ None [*Check if applicable*]

October 23, 2023

Date

/s/ Thomas H. Riske

Thomas H. Riske 61838

Signature of Attorney or Litigant

Counsel for **DeliverPRO LLC**

Carmody MacDonald P.C.

120 S. Central Ave., Suite 1800

Saint Louis, MO 63105

314-854-8600 Fax:314-854-8660

thr@carmodymacdonald.com